

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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RICARDO VAZQUEZ CRUZ,	:	
	:	Civil Action No. 16-3451 (JMV)
Petitioner,	:	
	:	
v.	:	<b>OPINION</b>
	:	
CHARLES GREEN,	:	
	:	
Respondent.	:	
	:	

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**APPEARANCES:**

Victor M. Urbaez, Esq.  
91 Passaic Street  
Garfield, NJ 07026  
on behalf of Petitioner

Hans H. Chen  
United States Justice Department, Civil Division  
Office of Immigration Litigation  
P.O. Box 868, Ben Franklin Station  
Washington, DC 20044  
on behalf of Respondent

**VAZQUEZ**, United States District Judge

On June 14, 2016, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1), challenging his prolonged detention by U.S. Immigration and Customs Enforcement (“ICE”). On February 3, 2017, Respondent submitted a letter to the Court stating that Petitioner was removed from the United States on November 9, 2016, as established by Petitioner’s Form I-205. (ECF Nos. 18, 19.) Respondent contends the habeas petition is moot. (ECF No. 18 at 1.)

A habeas petition “generally becomes moot when [a petitioner] is released from custody” because there is no longer “an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Vasquez v. Aviles*, 639 F. App’x 898, 902 (3d Cir. 2016) (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy under Article III, § 2 of the United States Constitution because Petitioner is no longer detained by ICE. *See id.* (finding petition moot where there were no collateral consequences that could be addressed by success on the petition after removal) (citing *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as moot.

An appropriate Order follows.

Date: February, 2017  
At Newark, New Jersey

s/ John Michael Vazquez  
JOHN MICHAEL VAZQUEZ  
United States District Judge